

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:09-cr-109

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

PIERRE O. COLQUITT,

Defendant.

:

**REPORT AND RECOMMENDATIONS ON VIOLATIONS OF
SANCTIONS ORDER**

On April 12, 2019, District Judge Rice filed a Decision and Entry prohibiting Defendant “from filing any additional paper in the above-captioned case without the prior permission of” the undersigned (ECF No. 257, PageID 2772). The Clerk was instructed to refuse for filing any paper not thus approved.

On virtually every day since the Decision was entered, Colquitt has appeared at the Clerk’s Office and tendered for filing another paper of the same tenor as the previous filings which the Court found to be frivolous. The Clerk in turn has tendered each of those papers to the undersigned who has endorsed thereon “Permission to file denied.”¹ Thus Colquitt has not changed his behavior at all and there is probable cause to believe he is in contempt of court.

¹ The Clerk is accumulating these attempted filings for the record.

The undersigned likewise notes that the Court modified Colquitt's terms of supervised release to include a condition that he refrain from such filings. Based on his behavior since the Decision and Entry was filed, the undersigned believes there is probable cause to believe he has violated this new condition of his supervised release and respectfully recommends that the District Court take appropriate action to sanctions that behavior.

April 19, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).